4.05.2007 Present: Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. M.S.Chandel, Advocate General, with Mr.M.A.Khan, and Ms. Meenakshi Sharma, Dy. Advocate Generals, for respondents No.1 to 4..

Mr.Varinder Rathore, Advocate, for respondent No.5.

It is stated at the Bar that present petition is squarely covered by judgment of this court rendered in CWP No.1037 of 2003, **The Hallan-1 Cooperative Consumer Store Ltd. Vs. State of H.P. and others** decided on 30.4.2007. Accordingly this petition is allowed. The allotment of fair price shop made in favour of respondent No.5 is quashed and set aside. The respondents No.1 to 3 are directed to follow the procedure as laid down in the aforesaid judgment within a period of three months. Mr.Ajay Sharma, learned counsel for the petitioner submits that the petitioner Society is alone entitled to run the fair price shop and the zone of consideration should not be enlarged. This Court is of the view that the fair price shop is to be allotted as per the policy decision and the petitioner Society can also participate at the time of fresh selection. The Deputy Commissioner while adjudicating upon the suitability of the candidates will specifically take into consideration the prior claim of the petitioner-Society as per the policy decision and will also be guided by Annexure P-4 dated 23.10.2004.

May 4,2007(g) **(Rajiv Sharma),J.**